THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9254 of 2006

28.04.2006

Between:

Dana Parasuramaiah.

… Petitioners

AND

The District Collector, Chittoor, Chittoor District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9254 of 2006

ORDER:

The petitioner is a resident of Narayanavanam Village and Mandal, Chittoor District. In the year 2001, when the elections were about to be held for Gram Panchayat, the Village elders decided to elect a person as Sarpanch who will deposit higher amount for construction of a Girls Upper Primary School. The petitioner offered to pay a sum of Rs.5,70,000/- towards the said purpose and therefore, he was elected as Sarpanch in preference to two others. Thereafter, he accordingly deposited the entire amount on 04.08.2001 in the Indian Overseas Bank in the name of Balaji Education Society. Though the Government sanctioned Girls High School for the Village, no School building was constructed in spite of many requests made by the petitioner. The petitioner alleges that the amount was not utilized for the purpose of construction of School. Therefore, he alleges that the inaction on the part of respondent Nos.1 to 3 is violative of fundamental rights under Articles 14, 19 and 21 of the Constitution of India. He seeks a writ of mandamus declaring the inaction of the respondents in taking action in the matter of construction of School with the funds deposited by the petitioner as illegal and arbitrary.

The Petitioner is not able to show any right to maintain the writ petition, nor he is

able to show any duty, which is cast on the respondents herein to deal with the funds. Even according to the petitioner in an agreement among the Village elders, the petitioner paid a sum of Rs.5.70 lakhs for construction of the Girls High School and if there is any default on the part of the villagers, the petitioner's remedy lies elsewhere. A Writ Petition is not maintainable.

The Writ Petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

28.04.2006

vs